

INTERIM MANAGEMENT FOR THE SHINNERY OAK SAND DUNE HABITAT COMPLEX

August 2004

Management Goal

Maintain existing habitat and management options in the shinnery oak-sand dune habitat complex until the Resource Management Plan Amendment (RMPA) for special status species is approved. Interim management would be applied in what will become the Planning Area for the RMP Amendment.

Objectives for Interim Management

- Maintain existing habitat for the lesser prairie chicken and sand dune lizard and preclude degradation of suitable habitat until planning process addresses the issue.
- Support strategies that conserve the lesser prairie chicken (LPC) and sand dune lizard (SDL) and assist in precluding the need for listing either species as threatened or endangered.
- Leave the options open for recovery of both species.
- Involve interested parties and stakeholders using the 4 C's.
- Work within existing authorities and plans.

Interim Management: Mineral Leasing and Development within the RFO & CFO Planning Area.

This will be a phased approach into evaluating oil and gas leasing and development within the LPC and SDL habitat areas. Careful consideration of mineral leasing and development needs to be taken during the interim to avoid making land management decisions that may adversely affect special status species. The following are conditions and criteria for mineral leasing and development within the Planning Area.

Sand Dune Lizard

Regardless of the Zones described below, deferring new leasing of Federal minerals will occur for all Management Zones that have occupied or suitable lizard habitat. Deferral of new leasing would result in the protection of critical SDL habitat until further analysis can be made through the plan amendment process.

Management Zones:

Zone 1 - Defer Leasing and Plan of Development (POD) for Existing Leases.

Defer New Leasing: This Zone includes the Roswell Core Area, the New Mexico Department of Game and Fish (NMDGF) LPC management areas and a 1.5-mile radius around LPC booming grounds outside the Roswell Core and NMDGF LPC management areas. This will include a large portion of occupied and suitable SDL habitat currently having minimal oil and gas (O&G) development on existing leases. Exceptions to the defer-new-leasing prescription may be considered on case-by case basis for unitization and drainage purposes, or for parcels that are insignificant in size. Granting exceptions will require a thorough review of habitat suitability, lek locations and cumulative impacts that would potentially occur if the exception is granted.

Rationale: Leasing and subsequent development would significantly impact the suitability of the area by direct disturbance to booming grounds, fragmentation of nesting habitat and losing the connectivity of important habitats on the landscape. Deferral of new leasing would result in the protection of critical SDL habitat until further analysis can be made through the plan amendment process.

Plan of Development (POD) for existing leases: This would be required before the approval of the next well to be drilled within an existing lease. The POD would require disclosure of all future well locations, well infrastructure (tanks, compressors, power lines/poles, etc), and rights-of-ways that would access future wells. To the extent possible, a 1.5 mile buffer zone where drilling will be excluded (buffer zone) will be utilized around active leks (those active within the last 3 years) to provide interim resource protection in conjunction with the current timing stipulation.

Rationale: Lease holders have valid rights to develop the lease, however, the BLM can require a POD for orderly development of leases and to minimize surface disturbance and fragmentation to protect occupied and suitable LPC/SDL habitat.

Zone 2 - New leasing with a no surface occupancy (NSO) stipulation and POD for existing leases

See map for location.

Zone 2 contains LPC/SDL occupied and suitable habitat that is mostly leased with lighter amounts of development. The Zone 2 area on the Chavez-Eddy County line contains unleased parcels that are critical for the development of a corridor to connect the major core areas to the north and to the southern historic range. Zone 2 areas are also very significant in maintaining the narrow band of occupied habitat for the SDL. This narrow band is due to the natural landscape pattern and is approximately 5-miles wide. New leasing with NSO stipulation would be applied on those lands associated with LPC/SDL core areas in the Roswell and Carlsbad Field Offices. After completion of the RMP amendment, the NSO stipulation may be dropped, modified or

carried forward. A notice explaining these procedures will be attached to the nominated lease parcels at the time of leasing.

Rationale: Most of the Federal mineral reserves in this area should be accessible by current adjacent leases. Adjacent leased lands will generally have either some level of existing O&G development or contain lower quality LPC/SDL habitat. The NSO requirement would protect occupied and suitable habitat while allowing development from adjacent existing leases.

The POD: A POD for existing leases would be required before the approval of the next well to be drilled within an existing lease. The POD would require disclosure of all potential well locations, well infrastructure (tanks, compressors, power lines/poles, etc), and rights-of-ways that would access future wells. To the extent possible, a buffer zone around active leks and the current timing stipulation will be utilized to provide interim resource protection.

Rationale: Lease holders have valid rights to develop the lease; however, the BLM can require a POD for orderly development to protect occupied and suitable LPC/SDL habitat.

Zone 3 - Require POD for new and existing leases.

See map for locations.

Zone 3 contains isolated blocks of unfragmented suitable LPC or SDL habitat that have been leased and for the most part developed. Within RFO, several of the Zone 3 areas lie within the northern extent of the Carlsbad Field Office LPC area and are key management areas for future expansion and connectivity of habitats and population interchange. Within the Carlsbad Field Office, these areas include habitat within a 1.5-mile radius of known historic lek sites and will also provide management consideration around Zone 2 areas described earlier. These areas will have the noise and timing stipulation applied to oil and gas activities and other potential disturbance along with the Plan of Development. Zone 3 also includes areas that contain habitat parameters that are needed for the life cycle of the species (e.g., edge) and with habitat manipulation could become suitable habitat. Also included in this zone are some areas with Federal minerals under private or state surface where management of other uses are not controlled by the BLM.

The POD: A POD for existing leases would be required in appropriate habitat areas before the approval of the next well to be drilled within an existing lease. The POD would require disclosure of all potential well locations, well infrastructure (tanks, compressors, power lines/poles, etc), and rights-of-ways that would access future wells. To the extent possible, a buffer zone around active leks and the current timing stipulation will be utilized to provide interim resource protection.

Rationale: Federal minerals in this zone are leased with only a few small, scattered tracts of unleased Federal minerals. Lease holders have valid rights to develop the lease; however, the BLM can require a POD for orderly development to protect suitable LPC habitat.

Zone 4 - Issue new leases with existing RMP stipulations and use the existing conditions of approval for development of existing leases.

These areas are generally on the outer edge of the range of these two species. (See map for locations). Some of the areas are outside the proposed planning area boundary but are still within the timing stipulation boundary that may require some level of management until habitat evaluations and decision are made in the upcoming plan amendment.

Rationale: This area is on the outer edge of the range of these two species. (See map for locations). New leases would include LPC/SDL stipulations approved in the 1997 Roswell RMP and Carlsbad RMPA where appropriate. Currently, there are areas outside the proposed planning area boundary but are still within the timing stipulation boundary that may require some level of management until habitat evaluations and decisions are made in the upcoming plan amendment.

Interim Management - Other Land Uses

Livestock grazing: Within the entire RMPA planning area livestock grazing will be authorized under the grazing permit renewal process. Any changes to current livestock management will be based on vegetative monitoring, LPC suitability monitoring (Robel), rangeland health assessments for Standards and Guidelines and in consultation with the permittees.

Off-Highway-Vehicles (OHV): Formal designations within the Roswell portion of the planning area include closed to OHV use in the Mathers Research Natural Area and the Mescalero Sands ACEC; open to OHV use in the Mescalero Sands North Dune OHV Area; and OHV use limited to existing roads and trails in the rest of the planning area within the Roswell Field Office. Pending formal designation through the plan amendment process, OHV use will be limited to limited to existing roads and trails within Roswell Field Office except for the closed areas identified above.

Under Interim Management, all lands in the planning area within the Carlsbad Field Office that are currently designated as open to OHV use will be temporarily designated as limited to existing roads, trails, or ways. Exceptions in Carlsbad Field Office are the Alkali Lake and Hackberry Lake Intensive OHV areas which will continue to be designated as open to OHV use.

Reclamation: Apply the best management practices (BMPs) being developed in the Carlsbad Field Office/Roswell Field Office.

Existing RMP Management Prescriptions

The 1997 Roswell RMP and Carlsbad RMPA include the following prescriptions for lesser prairie chicken and sand dune lizard:

Prairie Chickens: Drilling for oil and gas, and 3-D geophysical exploration operations will not be allowed in Lesser Prairie Chicken habitat during the period of March 15

through June 15 each year. During that period, other activities that produce noise or involve human activity, such as the maintenance of O&G facilities, geophysical exploration other than 3-D operations, and pipeline, road, and well pad construction, will be allowed except between 3:00 a.m. and 9:00 a.m. The 3:00 a.m. to 9:00 a.m. restriction will not apply to normal, around-the-clock operations, such as venting, flaring, or pumping, which do not require a human presence during the period. Additionally, no new drilling will be allowed within up to 200 meters of leks known at the time of permitting. Normal vehicle use on existing roads will not be restricted. Exhaust noise from pump jack engines must be muffled or otherwise controlled so as not to exceed 75 db measured at 30 feet from the source of the noise. Exceptions to these requirements will be considered for areas of no or low prairie chicken booming activity, or unoccupied habitat, including leks, as determined at the time of permitting, or in emergency situations.

Sand Dune Lizard: Surface disturbance will not be allowed in documented occupied habitat areas, or within up to 100 meters of suitable habitat associated with occupied habitat areas identified through field review. An exception to this restriction will be considered when an on-site evaluation of habitat extent, available species occurrence data, the proposed surface use, and proposed mitigations indicate the proposal will not adversely affect the local population.

Current Management Practices within the Planning Area

Livestock Grazing/Vegetation Monitoring

- On-going land health evaluations and monitoring will continue to be a basis for establishing a need for change, including:
 - * Implementing rest/rotation schemes on allotments that graze livestock in all pastures, all year (i.e. - rest pastures during key time periods to provide adequate cover).
 - * Switching from yearlong to seasonal grazing.
 - * Reducing livestock numbers, allotment wide or by pasture.
 - * Establishing Terms and Conditions to the grazing permit that would require suitable nesting habitat conditions are met and maintained.
- Utilizing historical monitoring data:
 - * Compare older photos to newer photos.
 - * Compare cover/composition/production data over the years to determine habitat health.
- Comparing utilization data.
- Comparing rainfall records.

- Gathering Robel data to assess public land health.
- Utilizing various monitoring studies to assess effectiveness of management techniques.
- Adding/moving watering locations away from leks/nesting areas.

Vegetation Manipulation

- Conducting vegetative manipulation projects to enhance LPC habitat.
- Conducting mesquite control in pastures that have shinnery oak. This will improve the grassland areas and lessen the pressure on the shinnery oak habitat.
- Investigating the use of herbicides to reduce the composition of shinnery oak without impacting sand dune lizard habitat. Defoliant is a possibility, to the extent that shinnery growth is slowed and grasses have a chance to respond.

Recreation

- Continue enforcing off-highway designations within the Roswell Field Office.
- Placing informational signs at key locations for educational purposes.
- Closing roads that have the potential to degrade LPC habitat or displace sensitive species.
- If necessary, apply the noise/timing stipulation in areas where LPC's occur to reduce the impact of noise.